

Attorney Docket No. RSW920040131US1
Serial No. 10/711,981
Response to Office Action mailed 1/25/06

I. CLAIM AMENDMENTS

1. (Currently amended) A process for allocating a resource to a ~~premium customer~~by a service provider having a plurality of service level agreements with a plurality of customers in a shared computing environment ~~when a profiling tool indicates that the premium customer's available resource cannot provide an agreed service level~~, the process comprising:

classifying a plurality of customers into a plurality of premium customers and a plurality of standard customers where a premium customer is entitled to a first compensation rate when there is a breach of a premium customer's service level agreement, where a standard customer is entitled to a second compensation rate when there is a breach of the standard customer's service level agreement, and where the second compensation rate is less than the first compensation rate;

responsive to a profiling tool indicating that the premium customer's available resource cannot provide an agreed service level resulting in a breach of the premium customer's service level agreement:

determining if the resource has been allocated to an any customer that is not using the resource;

~~responsive to determining that the resource has been allocated to any customer that is not using the resource, reallocating the resource to the premium customer;~~

responsive to determining that the resource has not been allocated to the any customer that is not using the resource, determining if the resource has been allocated to a standard customer; and

Attorney Docket No. RSW920040131US1

Serial No. 10/711,981

Response to Office Action mailed 1/25/06

responsive to determining that the resource has been allocated to a the standard customer, re-

allocating the resource from the standard customer to the premium customer;

~~whereby so that a the~~ service provider ~~can-minimizes a-penalty~~ a compensation to be paid

to the premium customer ~~for breaching the agreed service level.~~

2. (Currently amended) A data processing machine for allocating a resource by a service provider to a premium customer in a shared computing environment, the machine comprising:

a processor;

a memory;

a service level agreement stored in the memory, the service level agreement setting a threshold performance level for the resource and a penalty for failing to meet the threshold performance level;

means for causing the processor to measure ~~the~~ a performance level of the resource; and

means for causing the processor to compare the measured performance level of the resource with the threshold performance level; and

responsive to determining that the ~~measured~~ performance level does not meet the threshold performance level, means for

determining if the resource has been allocated to an any customer that is not using the resource,

~~responsive to determining that the resource has been allocated to any customer that is not using the resource, re-allocating the resource to the premium customer;~~

responsive to determining that the resource has not been allocated to the any customer that is not using the resource, determining if the resource has been allocated to a standard customer, and

Attorney Docket No. RSW920040131US1

Serial No. 10/711,981

Response to Office Action mailed 1/25/06

responsive to determining that the resource has been allocated to a standard customer,

re-allocating the resource from the standard customer to the premium customer;

~~whereby so that a~~ the service provider ~~can~~ minimizes the penalty for breaching the service level agreement.

3. (Currently Amended) A program, encoded in a computer-readable medium, for allocating a resource to a premium customer by a service provider in a shared computing environment, the program comprising:

~~means for determining if the resource has been allocated to any customer that is not using~~
~~the resource~~ if a utilization of the resource has caused a breach of a service level agreement with the premium customer;

means for determining if the resource has not been allocated to an any customer that is not using the resource;

~~responsive to determining that the resource has been allocated to any customer that is not using the resource;~~ ~~means for re-allocating the resource to the premium customer;~~

responsive to determining that the resource has not been allocated to the any customer that is not using the resource, means for determining if the resource has been allocated to a standard customer where a standard customer has a standard customer penalty for a breach of a standard customer's service level agreement; and

responsive to determining that the resource has been allocated to a standard customer, means for re-allocating the resource from the standard customer to the premium customer;

~~whereby so that the a~~ service provider ~~can~~ minimizes a premium customer penalty for a breach of the premium customer's service level agreement ~~breaching the agreed service level.~~